



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

May 4, 2020

BY ECF

The Honorable Naomi Reice Buchwald
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Zachary Clark*, 20 Cr. 76 (NRB)

Dear Judge Buchwald:

The Government writes on behalf of the parties to respectfully request that the Court set a deadline of September 18, 2020 for the Government's submission of its *ex parte* motion pursuant to Section 4 of the Classified Information Procedures Act (the "Section 4 Motion") and for the defendant's submission of any pretrial motions in the above-referenced matter. At the March 4, 2020 conference pursuant to Section 2 of the Classified Information Procedures Act, the Government requested a filing deadline in mid-July for its Section 4 Motion. The Court requested an earlier submission to the extent feasible but did not set a precise deadline.


To date, the Government has produced a substantial amount of discovery to the defense, including, among other things, forensic images of the defendant's electronic devices, a video of the defendant's post-arrest interview, extensive search warrant returns, voluminous controlled communications between the defendant and undercover law enforcement officers and sources, and screenshots of the defendant's alleged online dissemination of content pertaining to terrorist attacks and ISIS. The Government is currently coordinating with defense counsel to arrange another significant production—after which discovery will be substantially complete—consisting of, among other things, approximately eight terabytes of pole camera footage, additional controlled communications involving the defendant, and additional terrorism-related content allegedly disseminated by the defendant.

In light of the ongoing coronavirus pandemic and corresponding disruption—including the suspension of all legal visits to the Metropolitan Correctional Center, where the defendant is currently detained—the parties respectfully submit that an adjournment of the deadline for the submission of the Government's Section 4 Motion and the defendant's pretrial motions to September 18, 2020 would allow sufficient time for the defense to review the voluminous

discovery in this matter and confer with the defendant about any appropriate pretrial motions, and for the parties to complete their respective briefing packages.

Respectfully submitted,

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cc: Jonathan Marvinny, Esq. (by ECF)